

Remarks

The Office Action mailed March 18, 2003 has been carefully considered. Claims 40, 41 and 43 stand rejected as being unpatentable over Eberle (U.S. 5,215,211), Claims 40 and 41 stand rejected as being anticipated by Johnson (U.S. 5,785,274), and Claim 43 stands rejected as anticipated by, or in the alternative, obvious over Johnson. Independent Claim 40 has been amended and dependent Claims 41 and 43 have been cancelled without prejudice and replaced by new dependent Claims 44 and 45 for clarity. As such, Claims 40, 44 and 45 remain in the case with none of the claims being allowed.

Independent Claim 40 has been amended to more particularly define the Applicant's present invention over the cited references. Specifically, Claim 40 has been amended to recite that the exit funnel of the dispenser nozzle is attached to the nozzle base along the vertical axis of the roll of towels. This arrangement eliminates the need for a guide bar 58 as described in Eberle. Such an improvement is not suggested by Eberle. In fact, Eberle teaches that "more than one guide bar may be arranged within container 6 as appropriate to allow placement of dispenser on, for example, a side wall or top of container." Column 6, line 28 of Eberle. The Applicant's improved exit funnel eliminates the need for such a guide bar and is thus patentable over Eberle.

With regard to the Examiner's rejection of Claim 40 over Johnson, the Applicant has hereby amended Claim 40 to include the limitation that the dispenser includes a tapered exit funnel.

Claim 43 has been canceled and replaced with new claim 45. New Claims 44 and 45 contain the allowable subject matter of independent Claim 40, as amended, respectively, and are, therefore, also allowable.

The Applicant submits that by this amendment, he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains

unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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